

UNITED STATES DISTRICT COURT

MIDDLE District of PENNSYLVANIA

UNITED STATES OF AMERICA

v.

KENNEDY ONAIWU

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:11-CR-0113-04

USM Number: 69867-067

Elisabeth K.H. Pasqualini
Defendant's AttorneyFILED
HARRISBURG, PA

APR 27 2012

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

THE DEFENDANT:

☒ pleaded guilty to count(s) I of the Information☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1349	Conspiracy to Commit Wire Fraud	11/2010	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) I through XVII of the Indictment ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

April 26, 2012

Date of Imposition of Judgment



Signature of Judge

CHRISTOPHER C. CONNER, U.S. DISTRICT JUDGE

Name and Title of Judge

4/27/12

Date

DEFENDANT: KENNEDY ONAIWU
CASE NUMBER: 1:11-CR-0134

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Forty-One (41) Months.

X The court makes the following recommendations to the Bureau of Prisons:

The court recommends that FCI Fort Dix or a facility near Irvington, New Jersey, be designated as the place of confinement.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

X The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

X before 2 p.m. on Thursday, May 24, 2012.

☐ as notified by the United States Marshal.

X as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: KENNEDY ONAIWU
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: Three (3) Years.

(See Page 4 for additional conditions of supervised release.)

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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ADDITIONAL SUPERVISED RELEASE TERMS

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment schedule for payment of restitution, fines, or special assessment.
2. The defendant shall provide the probation officer with access to any requested financial information.
3. The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
4. In the event the restitution is not paid in full prior to the commencement of supervised release, the defendant shall, as a condition of supervised release, satisfy the amount due in monthly installments of no less than \$1000, to commence 30 days after release from confinement.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ N/A	\$ 453,221.65

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

The victims' recovery is limited to the amount of their loss and the defendant's liability ceases of and when the victims receive full restitution.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
SEE ATTACHMENT "A" HERETO FOR LIST OF VICTIMS & RESTITUTION AMOUNTS		\$ 453,221.65	PRO RATA

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
X in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
The special assessment is due immediately. During the term of imprisonment, the restitution is payable every 3 months in an amount, after a telephone allowance, equal to 50 percent of the funds deposited into the defendant's inmate trust fund account. In the event the restitution is not paid in full prior to the commencement of supervised release, the defendant shall, as a condition of supervised release, satisfy the amount due in monthly installments of no less than \$1000, to commence 30 days after release from confinement.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

ATTACHMENT A

K-Onaiwu

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Victim Last Name	Victim First Name	Loss Amount
Ahern	Barbara	1520.00
Ahmed	Chowdhury	3350.00
Alam	Mannan	4400.00
Alfaro	Jose Arce	3980.00
Allen	Jerry	4000.00
Antorietto	Thomas	1500.00
Armstrong	Christina	0.00
Arthur	Brandi	2880.00
Atiya	Ibrahim	2900.00
Bachman	Edgar	4700.00
Bardo	Kristi	2500.00
Barnes	Chiketa	2900.00
Barnes	Maureen	420.88
Barrett	William	3500.00
Bertram	Amanda	998.90
Betsinger	George	900.00
Bird	Samuel	3400.00
Bowler	Jennifer	2500.00
Brown	Julie	2529.00
Bryant	Denise	3800.00
Burchett	Cathy	2999.00
Cagle	Kim	5199.00
Carden	Kathy	2100.00
Carnevale	Jeffrey	2980.00
Cerrato	Marrío	2490.00
Chaldez	Fernando	2770.00
Chapman	Phillip	2000.00
Chavez	Jamie	3500.00
Chellis	Christine	2190.00
Colchado	Christina	3780.00
Coleman	Adam	1830.00
Cook (Mitchell)	Kevin	2595.00
Costigan	Richard	3050.00
Crawford	Nathaniel	3900.00
Crum	Robert	4240.00
Curtis	Tim	2610.00
Cypress	Chaun	2400.00
Danzig	Steven	2488.00
Dean	Kristen	2400.00
Diaz	Carmelo	2496.00
Drysdale	Scott	1670.59
Duke	Samuel	6000.00

Elizarraras	Juan	2900.00
Farni	Douglas	4000.00
Fauteux	Guy	4100.00
Fletcher	Debbie	885.00
Forrester	Jackie	1588.00
Freed	Ferlin	3000.00
Galarza	Enrique	2400.00
Garbani	John	999.00
Garza	Tiffany	1040.00
Gaugliata	Stephen	3515.00
Gill	Sandra	2500.00
Goncalves Marchetti	Neusa	2527.48
Gonzalez	Julian	2499.00
Graff	Jacob	2500.00
Gray	Carlene	3400.00
Griego	Manuel	2500.00
Hartshorn	Meredith	4800.00
Henderson	Jennifer	3531.35
Henry	Christopher	4500.00
Henson	Michelle	2900.00
Hernandez	Cynthia	1110.00
Hoile	Brian	4100.00
Holman	Collins	1200.00
Holt	Alexander	3600.00
Hunter	Cameron	2119.99
Hunter	Timothy	4450.00
Jackson Jr	Rufus	3800.00
Johnson	Amy	2700.00
Johnson	Danny	3490.00
Johnson	Donnie	4200.00
Josberger	James	1950.00
Joseph	Gaetane	2501.00
Juarez	Adam	1500.00
Kaufer	Sekia	2679.00
Khalfan Sulaiman	Khalifa	2050.00
Kirby	Roosevelt	1700.00
Krystofik	Inger	3500.00
Langan	Kelly	4600.00
Latuselu	Kaleialoha	2940.00
Lepley	Lynn	3650.00
Lloyd	Jarrod	3344.00
Lopez	Jason	3030.00
Lopez	Patricia	3880.00

Lovelady	Kathy	2500.00
Lowder	Corbett	3500.00
Lu	Hieu Chi	4300.00
Lunford	Charles	2960.00
MacDonald	Rosemary	2985.00
Malone	Janelle	4500.00
Marcil	Nicole	826.80
Martin	Robert	826.80
Masters	Amanda	3700.00
Mathews	Joshua	3000.00
Mathis	Reginald	2770.00
Matschke	Larry	2584.00
Matthew	Jason	3700.00
Mcgowan	Ilton	3000.00
Meadows	Iva	2400.00
Medvec	Penny	2500.00
Mejias	Angel	2956.25
Mercedes	Lizbeth	2490.00
Molina	Rodrigo	1900.00
Molloy	Curtis	3210.00
Morales	Amy	3200.00
Morales	Natalia	3835.00
Muchie	Debra	2490.00
Munoz	Alvaro	4400.00
Murphy	David	2800.00
Nash	Judy	4500.00
Ndidi	Ifeanyi	3150.00
Nguyen	Thanh Tuan	3800.00
O'Brien	Jerrika	2400.00
Oaks	Amy	2500.00
Obi	Uche	3005.63
Olwa	Fredric	2800.00
Ortega	Antonio	3500.00
Pantanella	Alessandra	1673.41
Pettersson	Jamie	3600.00
Pickens	Brian	2595.00
Poe	Jerel	2460.00
Ramirez	Maria	2587.00
Ramos	Virginia	4400.00
Reidell	Kathy	3000.00
Roddy	Robert	1960.00
Rojas	Kelly	2400.00
Rojas	Pedro	2494.00

Roopsingh	Kerry	2534.00
Ruiz Diaz	Marina	1220.00
Saenz	Calistra	2500.00
Salazar, Jr.	Salvador	2300.00
Schlater	Robert	2584.00
Sharp	Ronald	5200.00
Sickler	Lois	8195.00
Smeraldo	Natalie	2650.00
Smith	Denise Lynette	3350.00
Smith	Roberta	1000.00
Southworth	Darren	2980.00
Steiert	Bethany	2090.27
Stewart	Meredith	2367.84
Stott	Lani	2530.00
Stuk	Jill	3300.00
Stutz	Geana	2950.00
Taylor	Veronica	2480.00
Tolleson	Misti	2756.00
Trammell	Andrea	2345.00
Traywick	Bill	6500.00
Trumpoldt	David	3900.00
Tuncap	Samatha	1850.00
Vaca-Diez	Marla	1157.46
Wainwright	Wayne	2450.00
Walworth	Brian	4740.00
Wright	Samora	1900.00
Young	Heather	1800.00
Zaenudin	Yuttie	2400.00
Zuniga	Henry	2488.00
		453221.65